

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON STEWARD.,
Plaintiff,

v.

COUNTY OF SANTA CLARA, et al.,
Defendants.

Case No. 18-cv-4119 SI

**FINAL PRETRIAL SCHEDULING
ORDER**

On April 13, 2021 and April 16, 2021, the Court held a final pretrial conferences in the above captioned matter, which is set for remote bench trial via Zoom beginning April 26, 2021. All parties were represented by counsel. The following matters were resolved:

1. Pandemic restrictions: Because of the restrictions imposed by the COVID 19 pandemic, the parties have agreed to conduct this bench trial remotely via Zoom, with no parties in the courtroom. In addition, plaintiff agreed to forego being present throughout the remote bench trial. Plaintiff will only be present to provide testimony.

2. Trial exhibits: No later than April 21, 2021, the parties shall file both a list of (1) trial exhibits for admitted/stipulated exhibits and (2) trial exhibits, with objections, for objected-to exhibits. No later than Monday, April 26, 2021, the parties shall provide a hard-copy of their trial exhibits, in binders with numbered tabs separating and identifying each exhibit.

3. Graphics: No later than April 21, 2021, the parties shall exchange graphics intended

1 to be used during the remote bench trial. No later than April 26, 2021, the parties shall provide the
2 Court with hard-copies of graphics to be used during the trial.

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4 **4. Timing of trial:** Defendants estimated the trial should take 5 days; plaintiff did not
5 provide a time estimate. After discussions with the parties at both pretrial conferences, it was
6 determined that plaintiff expects to call 6 witnesses; defendants expect to call far fewer than the 17
7 witnesses listed in their pretrial conference statement; the trial day will run from 9 am to 5 pm
8 (including breaks); and that neither opening statements nor closing arguments will be required at
9 this time. It therefore appears that this matter may be completed in 4 trial days, or 24 trial hours.

10 **Hence each side shall have up to 12 hours total for presentation of evidence, which includes**
11 **direct and cross-examination and presentation of all exhibits.**
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14 **5. Trial schedule:** Trial will begin on Monday, April 26, 2021 at 9:00 a.m. The trial
15 day runs from 9:00 a.m. until 5:00 p.m., with a 15 minute break at 10:30 a.m., a 45 minute break at
16 noon and a 15 minute break at 3:00 p.m., all times approximate.

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19 **6. Witnesses:** Since plaintiff and several of his witnesses are in the custody of the CDCR,
20 counsel and the Court have worked with the facilities where they are housed to assure their remote
21 (via Zoom video) testimony at trial. Plaintiff has informed the Court that Mr. Steward, who is
22 housed at Pelican Bay state prison, will be made available on Zoom video from 9 am to 12 pm on
23 Tuesday, April 27, 2021 and from 9 am to 12 pm on Wednesday, April 28, 2021. The parties have
24 worked together to coordinate the scheduling of the testimony of the other witnesses; their current
25 plan is as follows:
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Date	Plaintiff Witnesses	Defense Witnesses
Monday, April 26	Thomas Baines Darnell Earby Andrew Johnson	
Tuesday, April 27	Dmarco Hal Aaron Steward	Time permitting, Timothy Davis.
Wednesday, April 28	Aaron Steward (if necessary)	Timothy Davis Christopher Graham Nicholas Holly Mahalia McCoy Jeffrey Nekomoto Bobby Vasquez
Thursday, April 29		Anthony Alvarez Jonathan Benson Joseph Bettencourt Jose Morales Brendan Omari Mario Perez Bradley Reagan Rico West

The Court will take witnesses out of order if required to complete the trial in a timely manner.

IT IS SO ORDERED.

Dated: April 21, 2021



SUSAN ILLSTON
United States District Judge